

Andrea H. Marcus, Esq.

161 W. 61st Street, 19th Fl.
New York, NY 10023
(646) 781-9716
(203) 767-2580
andrea.marcus@gmail.com

Via CM/ECF Distribution List

April 13, 2020

Hon. Pamela K. Chen
United States District Court Judge
United States District Court, Eastern District of New York
225 Cadman Plaza
East Brooklyn, New York 11201

**Re: Argonaut Insurance Company v. Manetta Enterprises, Inc. EDNY
Case No. 1:19-cv-00482-PKC-RLM**

Dear Judge Chen:

I represent the defendant Manetta Enterprises, Inc. in the above-captioned matter. As the letter of today's date from plaintiff's counsel states, we were unable to reach an agreement on proposed dates for the pre-trial conference and start of the trial, although Mr. Greenberg slightly misstates the reasons why his dates were not feasible for us.

It is correct that due to the devastating business consequences of his business being shut down for so long, my client will be completely occupied over the coming weeks with trying to ensure the survival of his company until he is able to reopen, but *regardless*, my calendar for the coming months is extremely busy and I do not have Mr. Greenberg's proposed dates available for a trial. It is not that I vaguely expect to be "very busy," it is that I already have work obligations scheduled that conflict with the dates that the plaintiff proposed.

We understand that the plaintiff wants to begin this trial as soon as possible, but the start date has to be possible for *both* sides. Mr. Greenberg proposed that the trial commence as early as June 2, which is not feasible for me; however, June 17, one of the dates I suggested for the pre-trial conference, is only two weeks later. I also provided a range of availability in July and the beginning of August as a good-faith effort to find mutually practical dates for trial.

Andrea H. Marcus, Esq.

161 W. 61st Street, 19th Fl.
New York, NY 10023
(646) 781-9716
(203) 767-2580
andrea.marcus@gmail.com

Given the reality of the coronavirus-related shutdown's impact on scheduling flexibility, my existing packed calendar, and the availability of my client and of likely third-party witness(es), it cannot be seriously argued that the defendant's proposed dates are unreasonable or intended to delay these proceedings merely because they are not the plaintiff's first choice. I respectfully request that the Court consider these foregoing factors when setting dates for the final conference and start of trial in this matter, and not select any dates that one party has already advised the other will not work.

Respectfully submitted,

/s/ Andrea H. Marcus
andrea.marcus@gmail.com
Attorney for Defendant Manetta
Enterprises, Inc.
161 W. 61st Street, 19th fl.
New York, New York 10023
Phone: (646) 781-9716
(203) 767-2580